



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Anthony LaPietra
386 Boyer Court
Marshall, MI 49068

RE: MUR 4800

Dear Mr. LaPietra:

On August 25, 1998, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on June 10, 1999. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4800

NICK SMITH FOR CONGRESS

John La Pietra alleges that, from 1992 through 1998, the Nick Smith for Congress Committee received excessive contributions from individuals, received corporate contributions, failed to report contributions from political action committees, and received contributions from foreign nationals. The complainant named approximately 69 possible respondents. Mr. Smith won the 1998 General election for the 7th District of Michigan with 57% of the vote to Jim Berryman's 40%.

In response to the complaint, Nick Smith for Congress denies any violation of the FECA, and asserts that nearly all of the allegations stem from the complainant's failure to fully understand the statute. After pointing out that the 1992 election cycle activity is barred by the statute of limitations, the respondent asserts that many of the alleged excessive contributions were corrected through by reattribution or redesignation. It states that it had no reason to believe any of the contributors with "Japanese sounding" names contributed money from prohibited sources or were possibly foreign nationals, noting that the checks were written on U.S. banks by persons with domestic addresses. The response also specifically discusses six transactions which appear to result from minor reporting discrepancies and which the Committee advised would be corrected with amended reports.

Of the 69 respondents notified, eight could not be located and 21 responded. Most of these respondents state that their contributions appeared to have not been properly attributed to the proper election, or to both husband and wife in the case of contributions from married couples. One respondent provides proof of U.S. citizenship by submitting a copy of his green card. Two other respondents contend that the complainant failed to allege any violation of the Act involving them within the applicable statute of limitations period.

This matter is less significant relative to other matters pending before the Commission.